



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### **TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

#### **NOTICE OF PROPOSED REGULATORY ACTION: ADOPT REGULATIONS 1009 AND 1083 AND AMEND REGULATIONS 1001, 1070, 1071, AND 1082**

#### **ACADEMY INSTRUCTOR CERTIFICATE PROGRAM SPECIALIZED INSTRUCTOR PROGRAMS**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to authority vested by Section 13503 of the Penal Code (powers of the Commission on POST) and Section 13506 (authority for the Commission on POST to adopt regulations), and in order to interpret, implement and make specific Section 13510 (authority of the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 of the Penal Code (authority for the Commission on POST to adopt and amend standards for certain other designated California peace officers), proposes to adopt, amend or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The proposed amendment codifying the Academy Instructor Certificate process has been structured through the experiences gained via operation of the program for three years. The program's curriculum and operational methodology were developed collaboratively by academy personnel and training experts for the purpose of ensuring high quality training delivery in basic academies. The program, as outlined in Regulation 1009, consists of three components: A POST-certified Academy Instructor Certification Course, an Academy Instructor Certificate, and triennial recertification.

Regulation 1001 has been amended to include the definition of "guest speaker." This definition underscored guest speakers' exemption from instructor certification requirements while also requiring that they be under the direct oversight of a primary instructor when teaching.

Regulations 1070 and 1071 have undergone clarifying revisions pursuant to the operational experience to date with agencies' interpretations of specialized training instructor requirements and perishable skills training at academies and other training institutions.

By virtue of its status as a specialized training instructor course, the Academy Instructor Certification Course minimum content was added to the listing in Regulation 1082. Additionally, "adult learning" was added as a "global" element (those elements required as minimum content in all specialized training instructor courses) to all the courses comprising the Regulation 1082 listing.

Regulation 1083 was created to list separately the minimum content requirement for the specialized training courses for academy staff. These courses are taught in-house by POST and have unique content requirements.

Form 2-123, *Competency Verification Checklist*, is the standardized checklist used by evaluators to document successful (or unsuccessful) performance during the competency evaluation phase of the Academy Instructor Certificate Program.

All proposed new and amended regulations have been reviewed and supported by the Instructor Standards Advisory Council and the Consortium of Academy Directors.

#### **PUBLIC COMMENT**

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on February 10, 2003. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or email at [ken.obrien@post.ca.gov](mailto:ken.obrien@post.ca.gov).

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

#### **ADOPTION OF PROPOSED REGULATIONS**

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

#### **TEXT OF PROPOSAL**

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained from the address at the end of this notice.

#### **ESTIMATE OF ECONOMIC IMPACT**

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Fiscal impact is expected to be minimal and training costs will be shared among POST, presenters, and instructors.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed and amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states, and has found that the proposed new Regulations 1009 and 1083 and amended Regulations 1001, 1070, 1071, and 1082 will have no effect on California businesses, including small businesses, because the

Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

#### **ASSESSMENT**

The adoption of the proposed new and amended regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

#### **CONSIDERATION OF ALTERNATIVES**

In order to take this action, the Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **CONTACT PERSON**

Inquiries concerning the proposed action and requests for written material pertaining to the proposed action should be directed to Leah Cherry, Staff Services Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or email at [leah.cherry@post.ca.gov](mailto:leah.cherry@post.ca.gov). The back-up contact person as well as inquiries concerning the substance of the proposed action/ text should be directed to Senior Consultant Mike Hooper, at (916) 227-3912, fax number (916) 227-3895, or email at [mike.hooper@post.ca.gov](mailto:mike.hooper@post.ca.gov).

#### **INTERNET ACCESS**

The Commission has posted on its website ([www.post.ca.gov](http://www.post.ca.gov)) the information regarding this proposed regulatory action. Select "Regulation Notices" from the topics listed on the website's home page.



# **TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

## **NOTICE OF PROPOSED REGULATORY ACTION: AMENDMENT OF COMMISSION REGULATION 1052—PILOT PRESENTATIONS OF MANDATED TRAINING AND AMENDMENT OF COMMISSION REGULATION 1005 AND COMMISSION PROCEDURE D-2—CONTINUING PROFESSIONAL TRAINING (CPT) CREDIT**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Penal Code Sections 13503 (powers of the Commission on POST), 13506 (authority for the Commission on POST to adopt regulations), and in order to interpret, implement, and make specific Sections 13510 of the Penal Code (authority for the Commission on POST to adopt regulations), proposes to adopt, amend or repeal regulations in Chapter 2 of Title II of the California Code of Regulations.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

For many years, POST has conducted pilot presentations for training courses that were developed or updated by staff pursuant to a training mandate (statutory or POST). The purpose of pilot presentations is to help ensure that proposed course curriculum, minimum hours, and methodology are appropriate. In most cases the pilot presentations are conducted in advance of final approval by the Commission and the Office of Administrative Law (OAL). This proposal would assure that trainees completing these pilot presentations have satisfied the training requirement and are not required to repeat the training. Proposed Regulation 1052(d) would grant credit if the training subsequently approved is the same hours and curriculum as the pilot presentation.

Currently, POST regulations recognize only Advanced Officer Courses, technical courses, and certain POST Special Seminars as meeting the CPT requirement. With the proposed amendment of Commission Regulation 1005(d) and Commission Procedure D-2, satisfaction of the CPT requirement would be expanded to recognize any POST-certified training course, excluding entry-level training, POST workshops, Field Management Training, and Team Building workshops.

Several other technical, clarifying amendments are proposed for Commission Regulation 1005(d) and Commission Procedure D-2 which would clarify Perishable Skills/ Communications requirements for CPT.

### **PUBLIC COMMENT**

The Commission hereby requests written comments on the proposed action. All written comments must be received at POST no later than February 10, 2003. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801 or email at [kobrien@post.ca.gov](mailto:kobrien@post.ca.gov).

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8 any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

### **ADOPTION OF PROPOSED REGULATIONS**

Following the close of the public comment period, the Commission may adopt the proposals substantially as described in this notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before adoption, the text of any modified language clearly indicated will be made available at least 15 days before the date of adoption to all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated on this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

### **TEXT OF PROPOSAL**

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contract person at the address listed at the end of this notice. This address is the location of all information considered as the basis for these proposals (rule making file). The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained at the address noted at the end of this notice.

### **ESTIMATE OF ECONOMIC IMPACT**

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states, and has found that the proposed addition of Commission Regulation 1052(d) and amendment of Commission Regulation 1005(d) and Commission Procedure D-2 will have no effect on California businesses, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Costs Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

#### ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

#### CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Inquiries concerning written material pertaining to the proposed action should be directed to Leah Cherry, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or email at [lcherry@post.ca.gov](mailto:lcherry@post.ca.gov). The back-up contact person as well as inquiries concerning the substance of the

proposed action/text should be directed to Hal Snow, Assistant Executive Director, at (916) 227-2807, fax number (916) 227-2801 or email at [hal.snow@post.ca.gov](mailto:hal.snow@post.ca.gov).

#### INTERNET ACCESS

The Commission has posted on its Internet website ([www.post.ca.gov](http://www.post.ca.gov)) the information regarding this proposed regulatory action. Selection "Regulation Notices" from the topics listed on the website home page.

### TITLE 13. DEPARTMENT OF MOTOR VEHICLES

#### NOTICE OF WRITTEN COMMENT PERIOD ON PROPOSED ACTION TO MAKE EMERGENCY REGULATIONS PERMANENT

##### Article 3.6. Business Partners.

**Sections 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 225.30, 225.33, 225.36, 225.39, 225.42, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 255.63, 225.66, 225.69 and 225.72**

On July 31, 2001, the Governor signed SB 46 (Polanco, Chapter 127), an urgency measure, which authorizes the Department of Motor Vehicles (department) to establish the Business Partnership Automation (BPA) project for the purpose of completing vehicle registration and titling transactions. Effective November 4, 2002, the department adopted, on an emergency basis, regulations in Sections 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 225.30, 225.33, 225.36, 225.39, 225.42, 225.45, 225.48, 255.51, 225.54, 225.57, 225.60, 255.63, 225.66, 225.69 and 225.72, in Article 3.6, Chapter 1, Division 1, Title 13, of the California Code of Regulations. The department now proposes to adopt the emergency regulations as permanent with amendments to Sections 225.03, 225.09, 225.18, 225.36, 225.42, 225.45, 225.48, 225.51, and 225.63.

Since 1996, the department has established agreements with a limited number of business partners as part of its BPA pilot program. The proposed regulations will establish agreements between the State of California, Department of Motor Vehicles, and qualified private industry partners for participation in the BPA Program. The business partners will be authorized to electronically transmit vehicle registration and vehicle ownership data from an authorized site, through a public network, to the department's vehicle registration and BPA inventory databases. The agreements provide standards for the electronic transfer of funds for payment of fees by the business partner to

the department. The agreements also require the business partner to track and monitor the assignment of license plates and year of expiration stickers, and to monitor the printing and self-issue of registration documents. The reporting of vehicle registration information will apply only to those transactions authorized within each agreement.

Advance notice of the proposed adoption of these regulations has been and/or will be sent to persons affected by the regulations. The proposed regulations are summarized in the Informative Digest.

#### SUBMISSION OF WRITTEN COMMENTS

The department invites all interested persons or their representatives to submit written comments on the proposal to adopt the above described emergency regulations on a permanent basis. Comments should be addressed or delivered to the contact person identified below.

#### DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on February 10, 2003, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

#### PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

#### CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567; or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, (916) 657-5690, or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

#### AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code Sections 1651 and 1685 in order to implement, interpret or make specific Vehicle Code Section 1685.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 1685 authorizes the department to establish contracts in conformance with the provisions of the Government Code governing personal services contracts, for electronic programs to join the department with qualified private industry partners, to provide services that include processing and payment programs for vehicle registration and titling transactions. Section 1685 defines the three types of private industry partnerships authorized under this section. Section 1685 specifies provisions that the contractual agreements must include, and authorizes the department to establish additional requirements through regulations for the safeguarding of privacy and information protection. Section 1685 permits the department to establish through regulations the maximum amount that a qualified private industry partner may charge its customers in providing the services authorized under the section.

The department proposes to adopt Sections 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 225.30, 225.33, 225.36, 225.39, 225.42, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69 and 225.72, to establish the contents of agreements between the State of California, Department of Motor Vehicles, and business partners and provisions for participation in the Business Partnership Automation (BPA) Program. The business partner will be authorized to electronically transmit vehicle registration and vehicle ownership data from an authorized site, through a public network, to the department's vehicle registration and BPA inventory databases. The agreements provide standards for the electronic transfer of funds for payment of fees by the business partner to the department. The agreements also require the business partner to track and monitor the assignment of license plates and year of expiration stickers, and to monitor the printing and self-issue of registration documents. The reporting of vehicle registration information will apply only to those transactions authorized within each agreement.

**§ 225.00. Definitions.** Section 225.00 will provide definitions and specify applicability of the definitions to the regulations in Article 3.6.

**§ 225.03. Application Requirements.** Section 225.03 will establish application requirements for a BPA permit.



§ 225.06. **Fingerprints.** Section 225.06 will establish fingerprint requirements for all business partner owners and employees, for the purpose of criminal background checks.

§ 225.09. **Surety Bond Requirements.** Section 225.09 will establish requirements for a surety bond that must be procured by each business partner.

§ 225.12. **Business Partner Contract.** Section 225.12 will establish provisions for the contract.

§ 225.15. **BPA Permit Authority.** Section 225.15 will establish permit authority for qualified business partners.

§ 225.18. **Cause for Refusal to Enter into a Contract and Issue a Permit.** Section 225.18 will establish criteria for business partner owners and employees actions that would cause the refusal to issue a permit.

§ 225.21. **Review of Criminal History Information.** Section 225.21 will establish criteria for the review of fingerprints and criminal background checks.

§ 225.24. **Failure to Meet Security Requirements.** Section 225.24 will establish consequences for failure to meet security requirements.

§ 225.27. **Transaction Access.** Section 225.27 will establish provisions for electronic interface between the types of business partners and the department and payment for the transactions fees collected by each type of business partner.

§ 225.30. **Electronic Fund Transfer.** Section 225.30 will establish the provisions for the EFT contract.

§ 225.33. **Use and Retention of Information.** Section 225.33 will establish requirements for business partners' use and retention of information processed in the BPA program.

§ 225.36. **Change of First-Line Service Provider.** Section 225.36 will establish requirements for reporting to the department any change in the relationship between a first-line service provider and a second-line business partner.

§ 225.39. **Responsibilities of First-Line Service Provider.** Section 225.39 will establish the responsibilities of the first-line service provider to conduct monitoring and oversight activities for all of its second-line business partners.

§ 225.42. **Business Partner Changes.** Section 225.42 will establish requirements for reporting to the department any changes in the legal or ownership structure of the business partner.

§ 225.45. **Customer Fees.** Section 225.45 will establish a limit on fees the business partner can charge its customers per transaction.

§ 225.48. **Transaction Fee.** Section 225.48 will establish the monetary amount the department shall collect for the transaction fee mandated by statute.

§ 225.51. **Information Security Requirements.** Section 225.51 will establish requirements for protection of the department's information technology assets and data.

§ 225.54. **Inventory Ordering and Shipping.** Section 225.54 will establish requirements for ordering and shipping of license plates, year of expiration and month stickers, and special paper for registration transactions.

§ 225.57. **Disposal of Inventory.** Section 225.57 will establish procedures for the secure disposal of obsolete, expired and unused inventory.

§ 225.60. **Retention of Business Records.** Section 225.60 will establish provisions for the retention of records by the business partners and requirements concerning the availability of these records for departmental review.

§ 225.63. **Audit Requirements.** Section 225.63 will contain provisions for periodic compliance audits of business partners by independent audit firms.

§ 225.66. **Investigation and Review.** Section 225.66 will contain provisions for review of a business partner's program, and authorize the department to recover costs for oversight of the program.

§ 225.69. **Cancellation or Termination of a BPA Permit and Contract.** Section 225.69 will provide procedures for voluntary cancellation of a BPA permit and contract.

§ 225.72. **Voluntary Site Closing.** Section 225.72 will establish requirements for voluntarily closing a permit site.

#### DOCUMENTS INCORPORATED BY REFERENCE

- Business Partner Automation Application, First Line Business Partner, REG4024 (NEW 7/2002)
- Business Partner Automation Application First-Line Service Provider, REG4023 (NEW 7/2002)
- Business Partner Automation Application, Second-Line Business Partner, REG4025 (NEW 3/2002)
- Statement of Personal History, REG4019 (Rev. 11/2002))
- Business Partner Automation Surety Bond, REG866 (Rev. 12/2002))
- Information Security and Disclosure Statement (Firm), EXEC201X (Rev. 2/96)
- Business Partner Automation Program Service Provider Change, REG4022 (Rev. 11/2002)
- Business Partner Automation Program Application for Changes, REG4026 (Rev. 11/2002)
- Business Partner Automation Disclaimer, REG4020 (Rev. 11/2002)
- Accountable Item(s) Order, ADM510 (NEW 3/93)



- Physical Inventory (Non-DMV Entities), DMV175A (Rev. 2/2000)
- Representative Non-Disclosure Statement, REG4028 (NEW 3/2002)
- IT Security Guidelines for Use in BPA Program (October 2002)
- BPA Transaction Procedures and Inventory Requirements Handbook (December 6, 2002)
- Business Partner Automation Program Audit Self Certification, REG4016 (NEW 12/2002)

It would be impractical, cumbersome or unduly expensive to publish these documents in the California Code of Regulations. The forms are currently available to the public upon request from the department's BPA Program Administrator.

#### BUSINESS REPORTING REQUIREMENT

The regulations contain a requirement for one or more reports that is applicable to businesses. The department finds that it is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses.

#### FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: There are start-up and maintenance costs with any business, especially one that requires electronic interfacing. These costs may be costs that would normally be associated with a small or typical business.

With the statute requiring a fee, the regulations establish a non-refundable application fee of \$244, which must be paid every three years. An additional fee of \$130 is due for each site location maintained by the business partner that is added during the initial application process. Fees ranging from \$50 to \$175 are also established in the regulations for amending the BPA contract as a result of changes the business partner's business, including adding a site, changing the business name (DBA), an address change, or change in ownership.

Background checks for business partner owners require each owner to be fingerprinted and complete and sign a five-page Statement of Personal History form for the department to review. A fee is required when the person is being fingerprinted. The fee pays the cost of the FBI (\$24) and DOJ (\$32) checks. To provide a reasonable level of security, business partners are required to exclude employees from

processing the department's transactions until an approval letter is received from the department. A list of approved employees is required to be maintained and available for audit. The estimated cost to comply is \$500 per year.

The regulations will require a surety bond above the amount required in statute and that provide coverage to a broader spectrum of information security risk factors than the statute. As each business partner would be acting as an agent of the department, an insurance policy to protect the department against normal liability and damages that may occur during the operation of BPA business is required in the sum of one million dollars. Cost to purchase the insurance varies based on the business partner's credit rating and length of time as a customer with the insurance seller. Estimated cost to comply is between \$500 to \$2,000.

The shipping costs to send inventory would vary based on the volume and type of transactions processed, and distance shipped. The estimated annual cost to ship 50 pounds a month from Sacramento to Southern California (site of the majority of second line business partners) is \$504.

Equipment cost would vary depending on if the business planned to add additional staff or use existing staff and if the business already owned computer equipment that could be modified. The department's IT staff recommends a list of 5 printers available from local retailers to print the registration cards. The estimated cost is \$2,500.

Monitoring and retaining reports and records will require additional or redirected staff resources. Most of the reports will be calculated, maintained and available electronically to the department and the business partner. A security review of the reports and records, adding and deleting of personnel on the employee list, and space to keep the records available for audit are estimated to cost \$2,000 a year.

To comply with the mandatory requirements established in the statute that requires the department to safeguard privacy and protect the information released and the confidential records in the department's databases, the business partner shall be required to obtain annual compliance audits conducted by an independent auditor. The independent auditor shall provide a written report to the business partner and the department with the source documents sent to the department to review. Based on the estimated time for the department to complete a compliance audit and write the findings report, the independent auditor is estimated to cost \$2,500 at a standard fee of \$250 an hour.

There is a potential of an additional examination, audit or investigation when the department determines that the business partner has failed to provide adequate security controls and privacy measures for the department's records, proprietary assets or inventory. All reasonable costs to reimburse the department for expenses are the responsibility of the business partner.

Collection costs of billing fees were not included in the costing as only 4 out of the 219 business partners have these costs. Arrangements for payment of fees is between the first line business partner service provider and the second line business partner, as the first line business partner service provider pays the department daily for all activity through their interface connection.

The majority of the cost is software fees and charges for an electronic interface provided through a secure public network system. Information provided on a survey completed in November indicated that the vast majority of business partners paid up to five dollars (\$5) per transaction to process the department's transactions. Based on a projected amount of varied vehicle registration processing the business partner completes in a month for a small business and a typical business the following applies: a small business that processes 500 transactions per month times 12 months would incur \$30,000 in electronic processing costs, and a typical business that processes 50,000 transactions per month times 12 months would incur \$3,000,000 in electronic processing costs.

These costs are offset by the fact that business partners charge a fee for their service.

- Effect on Housing Costs: None.

#### DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action has no effect that would have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department will authorize the department to establish agreements between the department and qualified business partners which allow the business partner to electronically transmit vehicle registration and vehicle ownership data from an authorized site, through a public network, to the department's vehicle registration and BPA inventory databases. On November 2, 2001, the department conducted a survey seeking limited

information from existing business partners on current business costs, including overhead and transaction costs charged to customers.

- The adoption of this regulation will not create or eliminate jobs or businesses in the state of California, nor will it result in the elimination of existing businesses, or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will affect small businesses. The November 2, 2001, survey indicates that approximately 16% of the department's existing business partners are small businesses under Government Code section 11342.610.

#### ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English, and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of the public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov](http://www.dmv.ca.gov), Other Services, Legal Affairs Division, Public Comments web page.

#### AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this

notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

### **TITLE 13. DEPARTMENT OF MOTOR VEHICLES**

#### **NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to amend Sections 220.00, 220.02, 220.04, 220.06, 220.08, 220.10, 220.12, 220.16, 220.18, 221.00, 221.02, 221.06, 221.08, 221.10, 221.12 and to adopt Sections 220.14 and 220.20, in Chapter 1, Division 1, Article 3.5 of Title 13, California Code of Regulations, to implement various law changes that have occurred since the original regulations were established in 1998 governing the Motor Carrier of Property Permit Program.

#### **PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

#### **DEADLINE FOR WRITTEN COMMENTS**

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on February 10, 2003, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

#### **AUTHORITY AND REFERENCE**

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code sections 34601, 34620, 34621, 34623, 34631.5, 34660 and 34670.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Various and extensive legislative changes that affect the Motor Carrier of Property (MCP) Permit Program in Division 14.85, Sections 34600 through 34672 of the Vehicle Code have occurred since the original regulations were approved to implement the program. Because of the legislative changes to the MCP Permit Program statutes, proposed regulatory changes were required.

In addition, procedural changes have occurred for the operation of the program. An automated renewal application was developed, and a new process and form developed for reporting changes in the business entity. Also, clarification of the policy governing the changing of a renewal date was developed. Submission of the Certificate of Insurance by the insurance provider only was added due to a review of security and fraud issues.

This regulatory proposal would amend and/or adopt the following sections in Article 3.5, Chapter 1, Division 1, of Title 13 of the California Code of Regulations.

*Section 220.00:* New definitions for the following terms are proposed: business entity, individual, motor carrier, permit term, and person. Clarification of other definitions is also proposed.

*Section 220.02:* Amended to identify changes that require a new application, identify a new process and form when the motor carrier has a change of name or address or adds or deletes a "Doing Business As" (DBA) name. Amend the length of time the department has to inform an applicant that the application is complete or deficient.

*Section 220.04:* Amended to identify the renewal form, inform the public of the fixed renewal date for a permit term and delete the reactivation process.

*Section 220.06:* Amended to identify the new revisions of the forms, require the name on the financial responsibility document to be the same as the name on the MCP permit application and require the Certificate of Insurance to only be submitted to the department by the insurance provider.

*Section 220.08:* Amended to identify the vehicle conditions that require a motor carrier to include a vehicle(s) on the statutorily mandated list.

*Section 220.10:* Amended to delete the annual report requirement when reinstating a motor carrier permit and clarify the work classifications to be included in the report.

*Section 220.12:* Amended to correct the reference to Vehicle Code sections for the Employer Pull Notice System in Vehicle Code section 1808.1.

*Section 220.14:* Proposed new section to specify that a single reinstatement fee is due at the end of an individual or concurrent suspension periods.



*Section 220.16:* Amended to identify the forms and revised revision dates for acceptable evidence of compliance with workers' compensation laws.

*Section 220.18:* Amended and renumbered from 220.16 to allow a logical progression of section topics.

*Section 220.20:* Proposed new section to clarify the permit term for each seasonal permit.

*Section 221.10:* Amended to clarify a term used in the section to match the definition in Section 220.00 of these regulations.

#### DOCUMENTS INCORPORATED BY REFERENCE

DMV152MCP (REV. 3/2001)	Notice of Change
DMV134MCP-I (Rev. 12/2000)	Renewal (Individuals or Sole Proprietorships)
DMV134MCP-P (Rev. 12/2000)	Renewal (General Partnerships)
DMV134MCP-L (Rev. 12/2000)	Renewal (Limited Partnerships)
DMV134MCP-LC (Rev. 12/2000)	Renewal (Limited Liability Company)
DMV134MCP-C (Rev. 12/2000)	Renewal (Corporation)
DMV65MCP (REV. 6/2001)	Certificate of Insurance
DMV55MCP (Rev. 8/2002)	California Motor Carrier Liability Surety Bond Motor Carriers of Property
DMV131MCP (NEW 4/98)	Certificate of Self-Insurance Motor Carrier of Property
DMV67MCP (REV. 6/2001)	Insurance Policy Endorsement
DMV66MCP (REV. 6/2001)	Notice of Cancellation of Insurance
DMV716MCP (REV. 6/2001)	Request for Voluntary Withdrawal
DMV133MCP (REV. 8/2001)	Assignment for a Motor Carrier of Property Certificate of Self Insurance
DMV130MCP (REV. 7/2001)	Application for a Certificate of Self Insurance
DMV132MCP (REV. 3/2001)	Request for Voluntary Termination of Self-Insurance Motor Carriers of Property

#### FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.

- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

#### DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action has no effect which would have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department clarifies the Motor Carrier of Property Permit Program process and documents currently in place and those recently adopted in statute. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will not create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate, which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses because the regulations are clarifying and identifying the process and documents already required in statute and regulations.

#### PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

#### ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.



### CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or [cpatrick@dmv.ca.gov](mailto:cpatrick@dmv.ca.gov). In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or e-mail [dbaity@dmv.ca.gov](mailto:dbaity@dmv.ca.gov). The fax number for the Regulations Branch is (916) 657-1204.

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations.

The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov](http://www.dmv.ca.gov), Other Services, Legal Affairs Division, Public Comments web page.

### AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the fully modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

## TITLE 16. BOARD OF PODIATRIC MEDICINE

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine (hereinafter "board") is proposing to take the action described in the Informative Digest.

Any person interested may present statements or arguments only in writing relevant to the action proposed.

Written comments must be received by the board at its office not later than 5:00 p.m. on February 10, 2003.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office no later than 5:00 p.m. on January 27, 2003.

The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2470 and 2496 of the Business and Professions Code, and to implement, interpret or make specific Sections 700–704, 2496, and 2529, the board is considering changes to Article 3 of Division 13.9 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 2470 authorizes the board to adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, regulations which are necessary to enable the board to carry into effect the provisions of law relating to the practice of podiatric medicine.

Business and Professions Code section 2496 authorizes the board to adopt and administer regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) requiring continuing education of those licensees. In addition to the satisfaction of the continuing education requirement, licensees must complete one of several continuing competence pathways identified under section 2496 (a–g) at each license renewal.

1. Rename Article 3 of Division 13.9 of Title 16 of the California Business and Professions Code from Continuing *Education* to Continuing *Competence*.

2. Amend section 1399.669.

Existing regulation defines the continuing education requirements for podiatrists, as well as the timeline for submittal of proof of compliance. Existing language also identifies the consequences for noncompliance, and the options available to individuals who fail to, or are unable to comply.

This proposal would add a separate continuing competence requirement to the regulation, requiring the completion one of the continuing competence pathways identified in Section 2496 of the Business and Professions Code. Proposed amendments incorporate existing statutory continuing competence requirements into regulation, and achieve technical conformity as necessary to reflect these requirements.

3. Amend Section 1399.670

Existing regulation lists the types of scientific medical courses that are approved for continuing medical education credit.

This proposal would include in this list, programs that are approved by a government agency. This would allow the board to approve radiological courses for continuing education credit, and would therefore allow renewal candidates to apply these courses toward the fifty (50) hour continuing medical education requirement.

4. Repeal Section 1399.675

Existing regulation identifies cardiopulmonary resuscitation (CPR) as part of the continuing education requirement, and specifies the time at which certification is to be presented to the board.

This proposal would delete all language pertaining to CPR training as a licensing requirement. This unnecessary regulatory intervention has not been shown to have a positive impact on the level of care provided by licensed doctors of podiatric medicine since it took effect in 1980. A respective finding also led to the repeal of short-lived regulation section 1336.5 (CPR training as a licensing requirement) by the Medical Board of California in 1985.

5. Add Section 1399.675

This proposal would add new regulatory language identifying the criteria for approval of continuing competence courses. Courses meeting the specified criteria will be approved by the board to offer supplemental training in common podiatric and surgical procedures.

6. Amend Section 1399.676

Existing regulation identifies sanctions for non-compliance with the continuing education requirements set forth by this article. The regulation also describes the procedures that the board will follow

during annual random audits of doctors of podiatric medicine who have reported compliance with these requirements.

This proposal contains technical amendments, which would make this section consistent with statutory continuing competence requirements and those proposed under this article.

7. Amend Section 1399.678

Existing regulation identifies the criteria that must be met by a licensee who wishes to be exempt from the continuing education and continuing competence requirements set forth by this article.

This proposal would allow the board to grant one (1) temporary continuing competence waiver to a licensee who falls short of the requirements set forth by this article during a license renewal period. However, that licensee must complete one continuing competence pathway (identified under section 2496 of the Business and Professions Code) in addition to the continuing education requirements during the following license renewal period in order to successfully renew his or her license. Because recent legislation has replaced the state oral clinical licensing examination with Part III of the National Board of Podiatric Medical Examiners examination, there is now a reasonable pathway for all licensees to complete in order to maintain continuing competence.

8. Amend Section 1399.679

Existing regulation identifies the procedures that must be followed in order to: 1) restore an inactive license to active status or 2) maintain an inactive license.

This proposal contains technical amendments, which would make this section consistent with statutory continuing competence requirements and those proposed under this article.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: none

Nondiscretionary Costs/Savings to Local Agencies: none

Local Mandate: none

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: none

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**AND**

The following studies/relevant data were relied upon in making the above determination:

The proposed regulatory amendments establish consistency with current statutory requirements, which require licensed doctors of podiatric medicine to have satisfied a continuing competence requirement in addition to the continuing education requirements currently set forth by this article. These amendments incorporate current statutory requirements into the board's regulations.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

The board has determined that the proposed regulations would not affect small businesses. Regulations pertain only to continuing competence requirements that are already observed by the board under statutory authority.

**CONSIDERATION OF ALTERNATIVES**

The board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments only in writing relevant to the above determinations.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Podiatric Medicine at 1420 Howe Avenue #8, Sacramento, California 95825-3291.

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the website listed below.

**CONTACT PERSON**

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Mischa Matsunami  
Address: 1420 Howe Avenue, Suite #8  
Sacramento, CA 95825  
Telephone No.: (916) 263-0315  
Fax No.: (916) 263-2651  
E-Mail Address: Mischa\_Matsunami@dca.ca.gov

The backup contact person is:

Name: Jim Rathlesberger  
Address: 1420 Howe Avenue, Suite #8  
Sacramento, CA 95825  
Telephone No.: (916) 263-2647  
Fax No.: (916) 263-2651

Inquiries concerning the substance of the proposed regulations may be directed to Mischa Matsunami, (916) 263-0315.

Website Access: Materials regarding this proposal can be found at [www.dca.ca.gov/bpm/](http://www.dca.ca.gov/bpm/).

**TITLE 22. DEPARTMENT OF AGING**

**DIVISION 1.8 CALIFORNIA  
CODE OF REGULATIONS**

**NOTICE OF PROPOSED RULEMAKING**

*Notice is hereby given* that the California Department of Aging (Department) is proposing to adopt Sections 9112 through 9132 in Division 1.8, Chapter 8, Article 2, Title 22 of the California Code of Regulations (CCR), as described in the Informative Digest below. These proposed sections establish the Alzheimer's Day Care Resource Center Program.

**PUBLIC HEARING**

A Public Hearing has been scheduled at which time any person interested may present statements or arguments, orally or in writing, relevant to the action proposed.



February 10, 2003  
10:00 a.m.  
California Department of Aging  
1600 K Street, First Floor, Room 1A  
Sacramento, California

Pre-hearing registration will be conducted just prior to the hearing. Those registered will be heard in the order of their registration. Anyone else wishing to speak at the hearing will be afforded such opportunity after those registered have been heard. The time allowed for each person to present oral testimony may be limited if a substantial number of people wish to speak. The public hearing room is accessible to persons with disabilities. Sign language interpreting services will be provided upon request, and the request should be made no later than 21 days prior to the hearing date with the person designated in this Notice as the Department contact person. The hearing will be adjourned immediately following the completion of the oral testimony.

#### PERMANENT ADOPTION OF REGULATIONS

The Department may thereafter adopt the proposals substantially as described below, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with changes clearly indicated, will be available for 15 days prior to its adoption from the person designated in this Notice as Department contact person, and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at its office not later than 5:00 p.m. on February 10, 2003, or must be received by the Department at the hearing. Please submit written comments to:

California Department of Aging  
Data Analysis and Regulations Team  
Attention: Patricia Osfeld  
1600 K Street  
Sacramento, CA 95814

Comments by facsimile or e-mail, to the addresses listed under Department Contact Person in this Notice, must be received before 5:00 p.m. on the last day of the public comment period. All comments, including e-mail or facsimile transmissions, should include the author's name and U.S. Postal Service mailing address

in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

#### AUTHORITY AND REFERENCE

Section 9102 of the Welfare and Institutions Code requires the Department to administer all programs under the Older Californian's Act; Section 9542 of said Code provides for the establishment of the Alzheimer's Day Care Resource Center Program; and Section 9542(c) of said Code provides that regulations for the Alzheimer's Day Care Resource Center Program are exempt from requirements in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The Department is noticing these regulations on a voluntary basis, pursuant to Government Code, Section 11343.8.

The Department is considering changes to Division 1.8 of Title 22 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Existing state law, the Mello-Granlund Older Californian's Act (Section 9000 et seq., Welfare and Institutions Code) establishes policy mandates and directives for the Older Americans Act of 1965, as amended, and other programs administered by the California Department of Aging. Sections 9530-9538 of said Code establish the Community-Based Services Network and require the Department to initiate community-based services programs under this Network. Section 9542 of said Code establishes requirements for an Alzheimer's Day Care Resource Center Program that is a community-based services program, and requires the Department to establish policies and guidelines to carry out these requirements. Currently, there are no regulations governing the provision of an Alzheimer's Day Care Resource Center Program. These proposed regulations address the above-described administrative requirements by implementing the Alzheimer's Day Care Resource Center Program.

The Department administers Alzheimer's Day Care Resource Center Programs through a network of 33 Area Agencies on Aging. The programs provide quality day care, and protect the health and safety of persons with Alzheimer's Disease and other dementia-related disorders, in order to prevent premature or inappropriate institutional placement, while providing support and respite to their caregivers.

This proposal will add the following regulatory language for the Alzheimer's Day Care Resource Center Program:



- Definitions for the following terms used within the regulations: Activities of Daily Living, Alzheimer's Day Care Resource Center Program, Applicant, Assessment, Care Needs or Behavioral Problems, Caregiver, Dementia, Instrumental Activities of Daily Living, Management of Medication, Nonambulatory Person, Other Dementia-Related Disorders, Participant, Plan of Operation, Reassessment, Registered Dietitian, Respite Care, Satellite Site, Staff, and Volunteer.
- Alzheimer's Day Care Resource Center Program: purpose, objectives, requirements, eligibility, notifications, and other licenses.
- Site Requirements: buildings and grounds, house-keeping, fire clearances, program capacity, renovations, relocation, and satellite sites.
- Operations: plan of operation, disaster and mass casualty plan, unauthorized departure, participant emergency information, incident report, marketing and outreach plans, and volunteer program.
- Personnel, Policies, and Records: staff to participant ratio, staff/volunteer qualifications and duties, program director, consultant, volunteers, activity coordinator, program aide, and registered dietitian.
- Admission: eligibility, applicant information, functional and cognitive assessments, participant personal rights, fees, and admission agreement.
- Administration: participant records, reassessment, termination, and grievance policy.
- Services: participant care plan, planned activities, observation of participants, personal care and assistance, food services and dietary guidelines, hydration, management of medications, health services, and transportation.
- Training: staff, volunteer, students, community, and professionals.
- Support groups, and elder and dependent adult abuse reporting.
- Document incorporated by reference: Recommended Dietary Allowances, established by the Food and Nutrition Board, National Academy of Sciences-National Research Council. (1989).

#### COST ESTIMATES OF THE PROPOSED ACTION

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Requires Reimbursement: None.

Business Impacts: The Department has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting California business, including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in making this determination.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have a significant impact on the creation of jobs or business, or the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Housing Costs: The Department has made an initial determination that the proposed regulatory action will not have an effect on housing costs.

#### EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have an effect on small businesses in California who choose to provide Alzheimer's Day Care Resource Center Program services. This is not a state-mandated Program. The Alzheimer's Day Care Resource Center Program is funded from the State General Fund and other local funds.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code, Section 11346.5(a)(13), the Department must determine that no reasonable alternative which it considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments, orally or in writing, relevant to the above determination at the above-mentioned hearings.

#### AVAILABILITY OF TEXT OF PROPOSAL, INITIAL STATEMENT OF REASON AND INFORMATION

Copies of the exact text of the proposed Alzheimer's Day Care Resource Center Program regulations, the initial statement of reasons, and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Department contact person named below.

**AVAILABILITY AND LOCATION OF THE FINAL  
STATEMENT OF REASONS AND THE  
RULEMAKING FILE**

All of the information, upon which the proposed regulations are based, is contained in the rulemaking file which is available for public inspection and copying throughout the rulemaking process at the Department's office, at the address above. As of the date this notice is published in the California Regulatory Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. You may obtain a copy of the final statement of reasons once it has been prepared, by making a request to the Department contact person named below.

**DEPARTMENT CONTACT PERSON**

Questions concerning the proposed Alzheimer's Day Care Resource Center Program regulations, the substance of the proposed regulations, requests for documents, or any other questions regarding this regulatory proposal may be directed to the Department contact person, Patricia Osfeld, at the above address, telephone (916) 323-4580, facsimile (916) 323-0178, or e-mail [posfeld@aging.ca.gov](mailto:posfeld@aging.ca.gov).

The backup contact person is Kathleen Hendrickson, at telephone (916) 327-0576, or e-mail [khendric@aging.ca.gov](mailto:khendric@aging.ca.gov).

Web site Access: Material regarding this proposal can be found at <http://www.aging.ca.gov>.

**TITLE 22. EMPLOYMENT  
DEVELOPMENT DEPARTMENT****Amendment of Title 22, California Code of  
Regulations, Sections 926-3, 926-4, and 926-5****TAXABLE VALUE OF MEALS AND LODGING****NOTICE OF PROPOSED RULEMAKING**

The Employment Development Department (Department) proposes to amend California Code of Regulations (CCR), Title 22, Sections 926-3, 926-4, and 926-5, by increasing the taxable value of meals and lodging furnished to employees by employers during calendar year 2003. These increases are due to inflation. The Department will adopt these amendments after considering all comments, objections, or recommendations regarding the proposed action.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

CCR, Title 22, Sections 926-3, 926-4, and 926-5, provide the taxable value of meals and lodging furnished to employees by employers. In order to establish the equivalent amount of cash wages paid by employers who pay a portion of their employee's

wages in the form of meals or lodging, it is necessary to compute the reasonable cash value of such meals and lodging for unemployment insurance purposes. The Department makes this computation each calendar year to reflect the upward or downward trend in the cost of living during the previous calendar year. This yearly computation ensures an accurate and up-to-date calculation of the taxable values of meals and lodging for purposes of "wages" within the meaning of Unemployment Insurance Code (UIC) Section 926.

According to the United States Department of Labor, Bureau of Labor Statistics [<http://data.bls.gov/cgi-bin/srgate>], the average retail food price index for fiscal year 2001-2002 was 182.3, up 417.9 percent from the average of 35.2 for the base year 1968-69. The average residential rent index for the fiscal year ended June 30, 2002, was 213.2. This is 379.1 percent above the average residential rent index of 44.5 for the base year ended June 30, 1973. The Department uses 1968-69 as the base year for food and 1973 as the base year for rent because these are the years used by the Bureau of Labor Statistics.

These regulations are being amended to reflect, in substantially the same ratio, the increases in the retail food price index and residential rent index which occurred during the fiscal year ended June 30, 2002.

Notwithstanding Sections 926-3(a)(2), and 926-4(a)(2), and 926-5(a)(2)(A) of CCR, Title 22, which state in part: "For the calendar year 2003 and thereafter, except as modified herein . . .", the Department recognizes that the amendments made to these sections will not become effective until the regulations are approved by the Office of Administrative Law.

**Section 926-3.**

This regulatory action will amend Section 926-3, relating to the taxable value of board and lodging. In 2003 and thereafter until modified, the taxable value of three meals per day is raised from \$8.20 to \$8.45. The taxable value of breakfast is raised from \$1.80 to \$1.85. The taxable value of lunch is raised from \$2.50 to \$2.55. The taxable value of dinner is raised from \$3.90 to \$4.05. The taxable value of an unidentified meal is raised from \$2.85 to \$2.95. The taxable value of lodging is raised from \$826.00 to \$886.00 monthly maximum, and from \$26.80 to \$28.75 weekly minimum.

**Section 926-4.**

This regulatory action will amend Section 926-4, relating to the taxable value of meals and quarters furnished to officers and crewmen aboard vessels. In 2003 and thereafter until modified, the taxable value of daily meals is increased from \$8.20 to \$8.45. The taxable value of quarters is increased from \$3.80 to

\$4.10 daily for unlicensed personnel. The taxable value of quarters is increased from \$5.60 to \$6.00 daily for licensed personnel.

**Section 926-5.**

This regulatory action will amend Section 926-5, relating to the taxable value of meals and quarters received by fishermen aboard fishing vessels. In 2003 and thereafter until modified, the taxable value of quarters is increased from \$26.80 to \$28.75 a week, or from \$3.80 to \$4.10 a day for periods of less than a week under specified conditions.

**AUTHORITY AND REFERENCE**

Authority: Sections 305 and 306, Unemployment Insurance Code.

Reference: Section 926, Unemployment Insurance Code.

**FISCAL IMPACT**

**Anticipated costs or savings in federal funding to the State:** None

**Anticipated costs or savings to any State Agency:** None

**Anticipated costs or savings to any local agency or school district:** None

**Significant statewide adverse economic impact:** Approximately 275,869 businesses and small businesses will be affected statewide by these regulations. The types of businesses affected include fisheries, restaurants and eating establishments, apartment complexes, private households, residential care facilities, and home health care. The total statewide cost to businesses and small businesses is anticipated to be \$9.3 million, however, the cost to individual businesses is minimal. The regulation does not impose any new reporting requirements on businesses.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

**The costs impact on representative persons or businesses:** These proposed amendments will affect only those employees who are furnished meals or lodging by their employers. The Department anticipates that the fiscal impact to employees will be negligible.

**Anticipated impact on housing costs:** These proposed amendments will have no effect on housing costs.

**Anticipated nondiscretionary costs or savings imposed upon local agencies:** None

**SMALL BUSINESS IMPACT**

These proposed amendments will not have a significant impact on small businesses since the changes reflect small inflationary increases in the taxable value of meals and lodging for purposes of wages within the meaning of Section 926 of the UIC. Essentially, the proposed amendments will only accelerate the point at which an employee reaches the maximum taxable wage limit for the calendar year.

**LOCAL MANDATE DETERMINATION**

The Department has determined that these proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory amendments.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). E-mail comments must include true name and mailing address of the commentor. **Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than February 10, 2003, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

**CONTACT PERSONS**

Inquiries or comments should be directed to:

Name:	Laura Colozzi Employment Development Department
Street address:	800 Capitol Mall, Room 5020 Legal Office, MIC 53 Sacramento, CA 95814



Mailing address: P. O. Box 826880  
Legal Office, MIC 53  
Sacramento, CA 94280-0001  
Telephone No.: (916) 654-7712  
Fax No.: (916) 654-9069  
E-Mail Address: eddlegal@edd.ca.gov

**Note:** In the event Laura Colozzi is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers  
Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed to:

Name: Barbara Kaufman  
Telephone No.: (916) 654-8410

#### INTERNET WEBSITE ACCESS

The Department has posted on its Internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed EDD Regulations."

#### PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on February 10, 2003.** A request for hearing can be made by contacting the persons noted above.

#### MODIFICATION OF PROPOSED ACTION

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

#### FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

#### FURTHER INFORMATION

The Department has prepared and has available for review, upon request, the text of the proposed regulatory amendments discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the amendments; and the information upon which the Department relied in proposing the amendments. (If you received this notice by mail, a copy of the text of the proposed amendments and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed amendments are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

### TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

#### NOTICE OF INTENT TO ADOPT REGULATIONS REGARDING ADMINISTRATIVE PENALTIES

##### NOTICE IS HEREBY GIVEN

The Director of the Department of Managed Health Care (Director), pursuant to the rulemaking authority granted by sections 1341, 1344, 1386 of the Health and Safety Code, proposes to adopt section 1300.86, Title 28, California Code of Regulations, pertaining to the assessment of administrative penalties.

#### PUBLIC HEARING

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to section 11346.8(a) of the Government Code. The request for hearing must be received in writing by the Department of Managed Health Care (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

#### WRITTEN COMMENT PERIOD/ CONTACT PERSON

Notice is also given that any interested person may present statements or arguments relevant to the proposed action by a written communication addressed to, and received by, the Department's contact person identified below on or before 5 pm on **February 10, 2002**. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day. Written communications may also be sent to Lyn Amor Macaraeg via electronic mail at [lmacaraeg@dmhc.ca.gov](mailto:lmacaraeg@dmhc.ca.gov) or via facsimile at (916) 324-6459.



## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Health and Safety Code sections 1341, 1344, and 1386 vest the Director with the power to administer and enforce the provisions of the Knox-Keene Health Care Service Plan Act of 1975 (Act).

Section 1341 charges the Director with, among other things, the execution of the laws relating to directing the Department to ensure that health care service plans provide enrollees with access to quality health care services and protect and promote the interests of enrollees. Section 1344 vests the Director with the authority to adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this chapter, including rules governing applications and reports, and defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of the Act. Furthermore, the Director may waive any requirement of any rule or form in situations where in the Director's discretion such requirement is not necessary in the public interest or for the protection of the public, subscribers, enrollees, or persons or plans subject to this chapter. Section 1386 provides that the Director may assess administrative penalties if the Director determines that a health care service plan has committed any of the acts or omissions described in section 1386 that constitute grounds for disciplinary action.

The Department proposes regulation section 1300.86 to implement section 1386 of the Act by establishing standard factors that may be considered in determining the appropriateness and size of administrative penalties as a disciplinary measure for health care service plans. The regulation also proposes guidelines for determining the amount of a penalty for various violations of the Act.

This regulation is necessary because, although section 1386 sets out the grounds for disciplinary action under the Act, it does not include factors that the Director will consider in assessing administrative penalties. Nor does it establish guidelines for determining the amount of a penalty. The proposed regulation will put licensed plans and the public on notice of the factors that may trigger administrative penalties, as well as the factors that affect the size of those penalties. Furthermore, the factors described in the proposed regulation will promote fairness by providing a uniform framework for the Director when assessing administrative penalties.

## AUTHORITY

California Health & Safety Code sections 1341, 1344, 1386.

## REFERENCE

California Health & Safety Code section 1386.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has prepared and has available for public review the following documents:

1. An initial statement of reasons for the new and amended regulations;
2. Text of the legally effective regulations; and,
3. All information upon which this proposal is based (rulemaking file).

A copy of any or all of these items is available upon request by writing to the Department of Managed Health Care, ATTN: Ms. Lyn Amor Macaraeg, 980 9<sup>th</sup> Street, Suite 500, Sacramento, California 95814, which address will also be the location of public records, including reports, documentation, and other material related to this notice of proposed action. Additionally, a copy of the final statement of reasons (when prepared) will be available upon request by writing to the same address.

## INTERNET AVAILABILITY

Materials regarding this notice of proposed action that are available via the Internet may be accessed at the following website:

<http://www.hmohelp.ca.gov/library/regulations/pending>.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

The text of any modified regulation, unless the modification is only nonsubstantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation. The changes will be clearly indicated. A request for a copy of any modified regulation should be addressed to the contact person designated below. The Director will accept written comments on the modified regulation for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

## ALTERNATIVES CONSIDERED

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the above action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the comment period.

FISCAL IMPACT

- Cost or savings to any state agency: None.
- Cost to any local agency or school district for which Cal. Gov't Code section 17500-17630 requires reimbursement: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Costs or savings in federal funding to the state: None.
- Effect on housing costs: None.

DETERMINATIONS

The Director has determined that:

- The regulation has no economic impact on small businesses. Health care service plans are not a small business under Cal. Gov't Code section 11342.610.
- The regulation does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Cal. Gov't Code section 17500 et seq.
- The regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California to compete with businesses in other states, according to the Director's initial determination and pursuant to Cal. Gov't Code section 11346.5(a)(8). The proposed regulation does not add new penalty provisions, but simply implements existing administrative penalty provisions of Health and Safety Code section 1386.
- The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- No known reasonable alternative to this proposed regulation exists;
- Per Cal. Gov't Code section 11346.5(a)(10), does not significantly affect:
  - o The creation of jobs in California;
  - o The elimination of jobs in California;
  - o The creation of new businesses in California;
  - o The elimination of existing business in California;
  - o The expansion of existing businesses in California.

CONTACT PERSON

Comments or inquiries and substantive questions concerning this proposed regulation may be directed to CURTIS LEAVITT, Assistant Chief Counsel, or to the back up comment person, LYN AMOR MACARAEG, Department of Managed Health Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California 95814, (916) 322-6727.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
CONSUMER AFFAIRS**

**NOTICE OF PROPOSED  
REGULATORY ACTION**

**NOTICE OF CORRECTION**

The December 13, 2002 "California Regulatory Notice Register" indicated that the Department of Consumer Affairs was proposing to amend the Conflict of Interest Code of the Department.

The Department will conduct a public hearing on this proposed regulatory action on January 27, 2003 at 9:00 a.m., 400 R Street, Suite 1030, Sacramento, California 95814.

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the contact person named below.

The materials pertaining to this proposed regulatory action can be found at [www.dca.ca.gov](http://www.dca.ca.gov).

For additional information, please contact:

Name: Albert Balingit  
Division of Legal Affairs  
Address: 400 R Street, Suite 3090  
Sacramento, California 95814  
Telephone No.: (916) 445-4216  
Fax No.: (916) 324-1368  
E-Mail Address: [Albert\\_Balingit@dca.ca.gov](mailto:Albert_Balingit@dca.ca.gov)

The backup contact person is:

Name: Imelda Galang  
Division of Legal Affairs  
Address: 400 R Street, Suite 3090  
Sacramento, California 95814  
Telephone No.: (916) 445-4216  
Fax No.: (916) 323-0971  
E-Mail Address: [Imelda\\_Galang@dca.ca.gov](mailto:Imelda_Galang@dca.ca.gov)

**DEPARTMENT OF  
HEALTH SERVICES**

**NOTICE OF EXTENSION OF WRITTEN  
COMMENT PERIOD**

Notice is hereby given that the State Department of Health Services is extending the period for submission of written comments regarding regulation proposal R-44-01, Special Claims Review Appeals, to January 21, 2003, which is hereby designated as the close of the written comment period. All other information contained in the public notice for R-44-01, which was

published in the December 6, 2002 California Regulatory Notice Register (notice #Z-02-1112-03), remains unchanged.

Anyone wishing to receive a copy of the regulation proposal may contact the Office of Regulations at (916) 654-0381 to request a copy. All documents comprising the regulation proposal are posted on the Office of Regulations web site at <http://www.dhs.ca.gov/regulation>.

Inquiries regarding the substance of the proposed regulation may be directed to Larry Bernstein of the Medical Review Branch at (916) 323-4563.

All other inquiries concerning the action described in the regulation proposal may be directed to Marylyn Willis, R.N. of the Office of Regulations at (916) 657-3174, or to the designated backup contact person, Allison Branscombe, at (916) 654-0381.

## **DEPARTMENT OF HEALTH SERVICES**

Notice is hereby given that the Drug Use Review (DUR) Board will conduct a public meeting in the 18<sup>th</sup> Floor meeting room, 714 P Street, Sacramento, CA beginning at 10 a.m. on Tuesday, February 11, 2003.

### **AGENDA**

1. DUR Drug Information/Alert Incidence Updates
2. DUR Program Enhancements—High Dose expansion
3. DUR Projects Overview and Update
4. DUR Education Articles
5. Development of Target Drug List by Therapeutic Category
6. Operational Issues

Speaker Request Forms will be available at the meeting or may be obtained by contacting Electronic Data Systems Corporation, 3215 Prospect Park Drive, Rancho Cordova, CA 95670. Attention: DUR Pharmacist Jude Simon-Leack, Pharm.D., and MSW.

## **DEPARTMENT OF HEALTH SERVICES**

### **NOTICE OF GENERAL PUBLIC INTEREST THE DEPARTMENT OF HEALTH SERVICES WILL REQUEST A STATE PLAN AMENDMENT FOR SUBACUTE CARE PROVIDER REIMBURSEMENT**

This notice is being given to provide information of public interest with respect to Medi-Cal reimbursement rates for adult subacute care providers. It is the intent of the Department of Health Services (DHS) to

submit a state plan amendment to seek federal approval to implement the change described below.

### **SUBACUTE PROVIDER RATES**

For the rate year 2002/2003, those subacute care providers experiencing a reduction in costs which would result in a reduced rate for the 2002/2003 rate year, will have their 2002/2003 rates set at their 2001/2002 rates. In no case will the rates be more than the current year's prospective class median rates or cause the provider's rates to exceed its Medicare upper payment limit. This change does not affect providers without historical costs who receive an interim rate.

### **PUBLIC REVIEW**

The change discussed above is available for public review at local county welfare offices throughout the State. In addition, copies of this notice may be requested and comments may be sent by writing to Gene Morrow, Acting Chief, Long Term Care Reimbursement Unit, Department of Health Services, 714 P Street, Room 1550, Sacramento, CA 95814.

## **DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

### **CALIFORNIA REGULATORY REGISTER NOTICE ACTION DESCRIPTION FOR A SMALL LOAD TRANSPORTATION VARIANCE ISSUED BY THE STATEWIDE COMPLIANCE DIVISION, TRANSPORTATION SECTION, FOR PATTERSON DENTAL SUPPLY**

On December 10, 2002, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Patterson Dental Supply, a registered transporter of hazardous waste, to conduct small load transporter operations authorized under section 66263.46 of the California Code of Regulations, Title 22 (22 CCR). The variance permits the grantee to transport Vapo-Sterile flammable liquid waste in amounts no greater than 100 kilograms per load and no greater than 1,000 kilograms per calendar month. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C, and Section 66263.46(f), 22 CCR. The hazardous waste shall only be transported to an authorized facility.

### **CEQA EXEMPTION**

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of



transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on October 31, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**CALIFORNIA REGULATORY REGISTER  
NOTICE ACTION DESCRIPTION FOR AN  
EMERGENCY RESPONSE INCIDENT  
OPERATIONS VARIANCE ISSUED BY THE  
STATEWIDE COMPLIANCE DIVISION,  
TRANSPORTATION SECTION, FOR SAN  
DIEGO FIRE AND LIFE SAFETY SERVICES**

On December 10, 2002, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to San Diego Fire and Life Safety Services, a registered transporter of hazardous waste, to conduct emergency response incident operations authorized under section 66263.43 of the California Code of Regulations, Title 22. The variance permits the grantee to transport emergency response hazardous waste to a designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C. The hazardous waste must then be manifested to an authorized facility.

**CEQA EXEMPTION**

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on May 31, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

<p><b>SUMMARY OF REGULATORY ACTIONS</b></p>
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**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates

indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**BOARD OF EDUCATION**

Mathematics and Reading Professional Development Program

This Certificate of Compliance filing makes permanent the prior emergency adoption of provisions implementing the Mathematics and Reading Professional Development Program (AB 466). The prior emergency action added a definition of the phrase "instructional materials. . .otherwise authorized by the State Board of Education" contained in Education Code section 99231(c).

Title 5

California Code of Regulations

ADOPT: 11983.5

Filed 12/10/02

Effective 12/10/02

Agency Contact: Pat McGinnis (916) 657-4669

**BOARD OF EQUALIZATION**

Interest and Penalties

In this regulatory action, the State Board of Equalization amends a Sales and Use Tax regulation relating to "Interest and Penalties." The amendment pertains to the burden of proof for "fraud or intent to evade" penalties.

Title 18

California Code of Regulations

AMEND: 1703

Filed 12/10/02

Effective 01/09/03

Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**

Computers, Programs, and Data Processing

This regulatory action concerns maintenance contracts sold in connection with the sale or lease of prewritten computer programs. Existing section 1502 of title 18 provides that if the purchase of the maintenance contract is not optional with the purchaser, then the charges for the maintenance contract are taxable. This regulatory action provides that for reporting periods commencing on or after January 1, 2003, 50% of the lump sum charge for an optional maintenance contract is for the sale of tangible personal property and sales tax applies to that amount, and the remaining 50% of the lump sum charge is nontaxable charges for repair. However, this regulatory action further provides that if no tangible personal property whatsoever is transferred to the customer during the period of the maintenance contract, tax does not apply to any portion of the charge.



Title 18  
California Code of Regulations  
AMEND: 1502  
Filed 12/10/02  
Effective 01/01/03  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
**Racehorse Breeding Stock**

This action implements Revenue and Taxation Code section 6358.5 by establishing the process to claim a partial exemption from sale and use tax on the sale, storage, use, or other consumption of racehorse breeding stock in California.

Title 18  
California Code of Regulations  
ADOPT: 1535  
Filed 12/10/02  
Effective 12/01/01  
Agency Contact: Diane G. Olson (916) 322-9569

**CALIFORNIA GAMBLING CONTROL COMMISSION**

**Registration of Manufacturers or Distributors of Gambling Equipment**

This emergency action amends preexisting emergency regulations which established registration and reporting requirements for manufacturers and distributors of gambling equipment in California. The prior emergency filing amended in this action is OAL file number 02-0926-03E.

Title 4  
California Code of Regulations  
ADOPT: 12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12305  
Filed 12/05/02  
Effective 12/05/02  
Agency Contact: Herb Bolz (916) 263-0700

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**  
**Conflict of Interest Code**

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 14  
California Code of Regulations  
AMEND: 18419  
Filed 12/05/02  
Effective 01/04/03  
Agency Contact: Elliot Block (916) 255-2821

**COMMISSION ON TEACHER CREDENTIALING**  
**Administrative Services Credential Requirements**

The regulatory action deals with the requirements for the Administrative Services Credential.

Title 5  
California Code of Regulations  
AMEND: 80054  
Filed 12/09/02  
Effective 01/08/03  
Agency Contact:  
Terri H. Feserman (916) 323-5777

**COURT REPORTERS BOARD OF CALIFORNIA**  
**Criteria for Recognition of Court Reporting Schools**  
This regulatory action amends the criteria for recognition of court reporting schools.

Title 16  
California Code of Regulations  
ADOPT: 2414 AMEND: 2411, 2418  
Filed 12/09/02  
Effective 01/08/03  
Agency Contact: Gail S. Jones (916) 263-4690

**DEPARTMENT OF CHILD SUPPORT SERVICES**  
**Bonding of Employees**

This action would specify the requirements and criteria for the bonding of employees by local child support agencies and other entities involved with the local child support agency in the handling of cash and in the accounting of child support funds

Title 22  
California Code of Regulations  
ADOPT: 111550  
Filed 12/09/02  
Effective 12/09/02  
Agency Contact: Lucila Ledesma (916) 464-5087

**DEPARTMENT OF CORRECTIONS**  
**Computation of Time and Preprison Credits**

This action supplements the rule on applying credit for a prisoner's time served, explaining the application of the 20% maximum limit on credit set forth in Penal Code section 1170.12(a)(5) to situations in which a prisoner with a sentence enhanced for prior felony convictions has that sentence modified and additional punishment stricken in the "furtherance of justice" pursuant to Penal Code section 1385.

Title 15  
California Code of Regulations  
ADOPT: 3371.1  
Filed 12/10/02  
Effective 01/09/03  
Agency Contact: Cassie Mraz (916) 324-6776

**DEPARTMENT OF DEVELOPMENTAL SERVICES**  
**Anticipated Rate Adjustments**

This is the third readoption of an emergency amendment to the regulation that describes when a program change that could have been planned for will be sufficient to warrant an adjustment in the payment rate for an in-home respite services agency.

Title 17  
California Code of Regulations  
AMEND: 58420  
Filed 12/05/02  
Effective 12/05/02  
Agency Contact: David J. Judd (916) 654-2257

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Oak mortality Disease Control**

This Certificate of Compliance adds the entire counties of Contra Costa and Humboldt to the regulated areas for Oak mortality disease.

Title 3  
California Code of Regulations  
AMEND: 3700(b)  
Filed 12/10/02  
Effective 12/10/02  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF INSURANCE**  
**Threshold for Principally At-Fault Accidents**

The Department of Insurance is amending subsection 2632.13(c) changing the amount of minimum reportable damage per accident, when applying the principally at fault provision, from \$500.00 to \$750.00 to comply with changes made to Vehicle Code Section 16000, by Stats. 2002, Ch. 766.

Title 10  
California Code of Regulations  
AMEND: 2632.13(c)  
Filed 12/05/02  
Effective 01/04/03  
Agency Contact: Elizabeth Mohr (415) 538-4112

**DEPARTMENT OF JUSTICE**  
**Laboratory Certification, Firearms Safety Devices**

This emergency rulemaking action revises firearm safety device listing and delisting procedures and testing standards and provides for "unknown" makes or models on an affidavit of ownership of an acceptable gun safe. The action also specifies the means of establishing proof of ownership of an acceptable, listed lock box, and specifies how long a firearms dealer must keep such proof.

Title 11  
California Code of Regulations  
ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44, 977.45, 977.50, 977.51

Filed 12/04/02  
Effective 12/04/02  
Agency Contact: Steven Teeters (916) 263-0849

**DEPARTMENT OF PESTICIDE REGULATION**  
**Minimum Qualifications**

This is a nonsubstantive change concerning the minimum qualifications for a person who has never held an agricultural pest control adviser license. The current qualifications which are listed in subsection (a) will sunset on December 31, 2002. The qualifications listed in subsection (b) take effect on January 1, 2003

Title 3  
California Code of Regulations  
AMEND: 6550  
Filed 12/05/02  
Effective 01/04/03  
Agency Contact: Fred Bundock (916) 324-4194

**DEPARTMENT OF WATER RESOURCES**  
**Procedures for Making a Just and Reasonable Determination**

This emergency rulemaking action adopts the procedure for a determination of a revenue requirement and whether the revenue requirement is just and reasonable. (Previous OAL file #02-0528-02E)

Title 23  
California Code of Regulations  
ADOPT: 510, 511, 512, 513, 514, 515, 516, 517  
Filed 12/05/02  
Effective 12/10/02  
Agency Contact: Gloria Bell (916) 574-1291

**ELECTRICITY OVERSIGHT BOARD**  
**Conflict of Interest Code**

This is a Conflict of Interest Code filing which has been approved by the Fair Political Practices Commission. This filing is exempt from OAL review is being submitted for filing with the Secretary of State and printing only.

Title 2  
California Code of Regulations  
ADOPT: 58700  
Filed 12/10/02  
Effective 01/09/03  
Agency Contact:  
Sidney M. Jubien (916) 322-8601

**FRANCHISE TAX BOARD**  
**Taxation of Income**

The Franchise Tax Board is repealing section 17554 of title 18, California Code of Regulations, due to the fact that Revenue and Taxation Code section 17554 was repealed by Stats. 2001, Ch. 920. Sections 17951-1, 17952, and 18001-1, title 18, California

Code of Regulations, are being amended due to changes made by Stats. 1983, Ch. 488, Stats. 1993, Ch. 31, and is making some editorial corrections.

Title 18

California Code of Regulations

AMEND: 17951-1, 17952, 180001-1 REPEAL: 17554

Filed 12/10/02

Effective 01/09/03

Agency Contact:

Colleen Berwick (916) 845-3306

#### **SCHOLARSHARE INVESTMENT BOARD**

Golden State Scholarshare Trust Program

This Certificate of Compliance amends the Golden State Scholarshare College Savings Program to conform to recent changes in the Internal Revenue Code. (Previous OAL file ## 01-1211-03E and 02-07730-02E)

Title 5

California Code of Regulations

AMEND: 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959

Filed 12/05/02

Effective 12/05/02

Agency Contact:

Senita Robinson (916) 651-6381

#### **STATE WATER RESOURCES CONTROL BOARD**

TMDL for Bacteria During Dry Weather at Santa Monica Bay Beaches

This basin plan amendment establishes a Total Maximum Daily Load (TMDL) for bacteria for Santa Monica Bay Beaches for summer (April 1 to October 31) and winter (November 1 to March 31) dry weather periods. The TMDL: (1) establishes the loading capacity of the bay beaches as the maximum densities of the four bacterial indicators (total coliform, fecal coliform, enterococcus, and total coliform when fecal-to-total ratio exceeds 0.1) specified in the basin plan as bacteriological water quality objectives for marine water having a water contact beneficial use designation; (2) specifies the maximum number of daily and weekly sampling days per dry period which each of the 56 existing shoreline monitoring stations may exceed any single sample maximum bacterial density water quality objective (no days of exceedance are allowed at any station during the summer dry weather period); (3) provides that all responsible jurisdictions and agencies within a subwatershed are jointly responsible for complying with the allowable number of exceedance days for each associated shoreline monitoring site; (4) establishes zero exceedance days during summer and winter dry weather for the three Publicly Owned Treatment Works discharging into Santa Monica Bay; (5) specifies that the samples are to be collected from the

wave wash (the compliance point); and, (6) specifies that the allowable exceedance days, and the rolling 30-day geometric bacteria density means (specified in the basin plan as bacteriological water quality objectives) must be achieved within three years for the summer dry weather period and within six years for the winter dry weather period.

The amendment identifies the principle regulatory mechanisms to be used to implement the TMDL as the Los Angeles County Municipal Storm Water NPDES permit, the Caltrans Storm Water Permit, the three NPDES permits for the POTWs, and the authority vested in the Executive officer by Water Code section 13267. The amendment provides that within 120 days of its effective date responsible jurisdictions and agencies must submit coordinated shoreline monitoring plans and identify and provide documentation on 342 specified, potential discharges, and on unspecified, potential discharges to a specified Area of Special Biological Significance. The amendment also provides that within two years after the effective date the regional board must reopen the TMDL to re-evaluate allowable winter dry weather exceedance days and to re-evaluate the reference system and reference year used for setting allowable exceedance days.

Title 23

California Code of Regulations

AMEND: 3933

Filed 12/09/02

Effective 12/09/02

Agency Contact: Ling Tseng (916) 341-5558

### **CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN AUGUST 14, 2002 TO DECEMBER 18, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

#### **Title 1**

10/29/02 AMEND: 1, 100

#### **Title 2**

12/17/02 ADOPT: 599.723.2

12/10/02 ADOPT: 58700

11/26/02 AMEND: 57.1

11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9

11/14/02 AMEND: 2271

11/04/02 ADOPT: 1859.70.1, 1859.71.3,  
1859.78.5, 1859.78.6,  
1859.78.7, 1859.93.1, 1859.120,  
1859.121, 1859.122, 1859.122.1,  
1859.122.2, 1859.123, 1859.124,  
1859.124.1, 1859.125, 1859.125.1,  
1859.126, 1859.127, 1859.128, 1859.129,  
1859.130, 1859.140, 1859.141, 1859

11/04/02 ADOPT: 549.95  
10/31/02 AMEND: 51000  
10/31/02 ADOPT: 18531.7  
10/24/02 ADOPT: 2351  
10/09/02 AMEND: 18539.2  
10/04/02 AMEND: 1859.81, 1859.91  
10/04/02 ADOPT: 18544  
09/16/02 AMEND: 1859.79, 1859.79.3, 1859.81.1,  
1859.83, 1859.107  
09/12/02 AMEND: 18110, 18401, 18404.1, 18451,  
18540, 18705.4, 18997  
09/09/02 AMEND: 1859.92, 1859.104, 1859.105,  
1859.107  
08/19/02 ADOPT: 18535  
08/14/02 ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5,  
56.6, 56.7, 56.8

### Title 3

12/12/02 AMEND: 3417(b)  
12/12/02 AMEND: 3423(b)  
12/12/02 AMEND: 3417(b)  
12/10/02 AMEND: 3700(b)  
12/05/02 AMEND: 6550  
12/03/02 AMEND: 6622  
12/02/02 AMEND: 3423(b)  
12/02/02 AMEND: 1392.1, 1392.2, 1392.4,  
1392.9.1  
11/12/02 ADOPT: 4600, 4601, 4602, 4603  
11/07/02 AMEND: 6000, 6710  
11/01/02 AMEND: 3417(b)  
10/28/02 AMEND: 3604(b)  
10/24/02 AMEND: 1380.19, 1430.10, 1430.12,  
1430.14, 1430.26, 1430.27, 1430.32,  
1430.45, 1430.50, 1430.51  
10/17/02 ADOPT: 3650, 3651, 3652, 3653, 3654,  
3655, 3656, 3657, 3658, 3659, 3660,  
3661, 3662, 3663, 3663.5  
10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7  
REPEAL: 1420.9, 1442.10  
09/19/02 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
6784 AMEND: 6000 REPEAL: 6450,  
6450.1, 6450.2, 6450.3, 6784  
09/10/02 AMEND: 3700(c)  
09/09/02 AMEND: 6414  
08/30/02 AMEND: 3423(b)  
08/29/02 AMEND: 1408.3  
08/19/02 ADOPT: 3664, 3665, 3666, 3667, 3668,  
3669  
08/14/02 AMEND: 6172, 6192, 6200, 6252

### Title 4

12/12/02 ADOPT: 12100, 12101, 12104, 12105,  
12120, 12122, 12124, 12126, 12128,  
12130, 12132, 12140, 12142  
12/05/02 ADOPT: 12309, 12310 AMEND:  
12300, 12301, 12302, 12303, 12305  
10/15/02 ADOPT: 1867  
10/07/02 ADOPT: 12300, 12301, 12302, 12303,  
12304, 12305, 12306, 12307, 12308  
09/12/02 ADOPT: 8110, 8111, 8112, 8113, 8114,  
8115, 8116, 8117, 8118, 8119, 8120,  
8121, 8122, 8123, 8124, 8125  
09/03/02 AMEND: 1107  
08/15/02 ADOPT: 4144

### Title 5

12/10/02 ADOPT: 11983.5  
12/09/02 AMEND: 80054  
12/05/02 AMEND: 30950, 30951, 30951.1, 30952,  
30953, 30954, 30955, 30956, 30957,  
30958, 30959  
10/21/02 AMEND: 18301  
10/17/02 ADOPT: 80434 AMEND: 80001  
08/15/02 ADOPT: 11980, 11981, 11982, 11983,  
11984, 11985,

### Title 8

12/03/02 AMEND: 4794, 4848, 4850  
12/02/02 AMEND: 3441(a)  
11/18/02 ADOPT: 2980, 2981, 2982, 2983  
10/01/02 AMEND: 3457(b)  
09/25/02 AMEND: 451, 527  
09/19/02 AMEND: 14004, 14005  
09/12/02 AMEND: 1671.2  
09/09/02 ADOPT: 13635.1, 13655, 13656, 13657,  
13658, 13659 AMEND: 13630, 13631,  
13632, 13633, 13634, 13635, 13637,  
13638, 13639, 13640, 13641, 13642,  
13643, 13644, 13645, 13646, 13647,  
13648, 13649, 13650, 13651, 13652,  
13653, 13654  
09/03/02 ADOPT: 20299  
08/26/02 ADOPT: 340.40, 340.41, 340.42, 340.43,  
340.44, 340.45, 340.46, 340.47, 340.48,  
340.49, 340.50, 340.51, 340.52

### Title 9

11/26/02 ADOPT: 9526, 9531 AMEND: 9500,  
9505, 9515, 9530, 9535

### Title 10

12/16/02 ADOPT: 1422, 1423  
12/12/02 AMEND: 2632.8  
12/12/02 ADOPT: 2699.6606, 2699.6711,  
2699.6631, 2699.6717 AMEND:  
2699.6500, 2699.6600, 2699.6605,  
2699.6607, 2699.6611, 2699.6613,  
2699.6617, 2699.6623, 2699.6625,



2699.6629, 2699.6631, 2699.6700,  
2699.6703, 2699.6705, 2699.6709,  
2699.6800, 2699.6801, 2699.680

12/05/02 AMEND: 2632.13(c)

11/22/02 ADOPT: 2689.1, 2689.2, 2689.3, 2689.4,  
2689.5, 2689.6, 2689.7, 2689.8, 2689.9,  
2689.10, 2689.11, 2689.12, 2689.13,  
2689.14, 2689.15, 2689.16, 2689.17,  
2689.18, 2689.19, 2689.20, 2689.21,  
2689.22, 2689.23, 2689.24,

11/19/02 ADOPT: 2542, 2542.1, 2542.2, 2542.3,  
2542.4, 2542.5, 2542.6, 2542.7, and  
2542.8

11/18/02 ADOPT: 2187.4

11/14/02 AMEND: 5002

11/07/02 ADOPT: 2193, 2193.1, 2193.2 2193.3

11/04/02 ADOPT: 2698.99

10/31/02 ADOPT: 2632.13

10/16/02 ADOPT: 2660 AMEND: 2646.2, 2648.4,  
2651.1, 2652.5, 2655.1, 2655.5, 2655.6,  
2655.10, 2656.1, 2656.2, 2656.3, 2656.4,  
2657.2, 2658.1, 2659.1, 2661.3, 2697.3

09/25/02 ADOPT: 2698.90, 2698.91

09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51,  
350.60(a), 260.001, 260.100.1,  
260.100.3, 260.102.4(b), 260.102.8(b),  
260.102.16 260.103, 260.105.28,  
260.105.33, 260.111, 260.112, 260.113,  
260.121, 260.131, 260.140.71.2,  
260.140.87(e), 260.140.110.2, 260.140.11

09/19/02 AMEND: 2851, 2851.1

08/30/02 AMEND: 5101

08/29/02 AMEND: 2698.200, 2698.201, 2698.301,  
2698.302

08/28/02 ADOPT: 2278, 2278.1, 2278.2,  
2278.3, 2278.4, 2278.5

08/28/02 AMEND: 2698.73

08/27/02 AMEND: 2632.5(d)(11)

08/20/02 ADOPT: 1729, 1741.5, 1950.302  
AMEND: 1741.5

08/19/02 AMEND: 2130.3

08/15/02 ADOPT: 5480, 5480.1, 5480.2, 5480.3,  
5480.4, 5480.5, 5480.6, 5480.7, 5480.8

**Title 11**

12/04/02 ADOPT: 977.52 AMEND: 977.20,  
977.43, 977.44, 977.45, 977.50, 977.51

12/03/02 AMEND: 1001, 1010 REPEAL: 1009

11/26/02 AMEND: 1005

10/10/02 ADOPT: 435, 436, 437, 438, 439, 440,  
441, 442, 443, 444, 445, 446, 447, 448,  
449, 450, 451, 452, 453, 454, 455, 456,  
457, 458, 459, 460, 461, 462, 463, 464,  
465, 466, 467, 468, 469, 470, 471, 472,  
473, 474, 475, 476, 477, 478, 479, 480,  
481, 482, 483, 48

10/07/02 ADOPT: 1012 AMEND: 1001, 1004,  
1005, PAM D-13 REPEAL: former 1005

09/18/02 ADOPT: 61.8

08/29/02 AMEND: 3000, 3001, 3003, 3007 , 3008

08/27/02 AMEND: 1070, 1082

**Title 13**

11/25/02 AMEND: 810, 811, 812, 813, 814, 815,  
816, 817, 818

11/04/02 ADOPT: 225.00, 225.03, 225.06, 225.09,  
225.12, 225.15, 225.18, 225.21, 225.24,  
225.27, 226.30, 225.33, 225.36, 225.39,  
225.41, 225.45, 225.48, 225.51, 225.54,  
225.57, 225.60, 225.63, 225.66, 225.69,  
225.72, and related forms

10/18/02 AMEND: 1956.8

09/16/02 AMEND: 1960.1, 1960.5, 1961, 1962,

**Title 13, 17**

09/12/02 ADOPT: 1969, 60060.1, 60060.2,  
60060.3, 60060.4, 60060.5, 60060.6,  
60060.7

**Title 14**

12/18/02 ADOPT: 3704.1

12/05/02 AMEND: 18419

12/03/02 AMEND: 2200, 2320, 2500

11/25/02 AMEND: 912.7, 932.7, 952.7

11/25/02 AMEND: 895.1, 929.1, [949.1, 969.1],  
929.2, [949.2, 969.2], 929.3, [949.3,  
969.3], 929.4, [949.4, 969.4] REPEAL:  
929.5, [949.5, 969.5], 1037.5(a), 1052

11/21/02 AMEND: 1038(f)

11/21/02 AMEND: 791.7, 870.15, 870.17, 870.19,  
870.21 and incorporated by reference  
form FG-OSPR-1972

11/18/02 AMEND: 932.9, 952.9

11/18/02 AMEND: 2090, 2105, 2420, 2425, 2530  
and 2690 renumbered to 2850

11/14/02 AMEND: 895.1, 912.7, 913.1, 913.2,  
932.7, 933.1, 933.2, 952.7, 953.1, 953.2

11/07/02 ADOPT: 749.2

11/07/02 AMEND: 7.50(b)(5)(E), 7.50(b)(156)(H)

10/28/02 AMEND: 1058.5

10/28/02 ADOPT: 4971

10/24/02 ADOPT: 17211, 17211.1, 17211.2,  
17211.3, 17211.4, 17211.5, 17211.6,  
17211.7, 17211.8, 17211.9

10/21/02 AMEND: 163, 163.5, 164

10/15/02 AMEND: 2030

10/09/02 ADOPT: 819.06, 819.07 AMEND:  
815.03, 815.05, 817.02, 817.03, 818.02,  
818.03, 819, 819.01, 819.02.8, 19.03,  
819.04, 819.05

10/09/02 AMEND: 502, 507(c)

10/08/02 AMEND: 2135

10/03/02 ADOPT: 3810, 3811, 3812, 3813, 3814,  
3815, 3816, 3817

10/03/02 AMEND: 3502  
 10/01/02 AMEND: 3650, 3652, 3653, 3655, 3656, 3658  
 10/01/02 ADOPT: 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948  
 09/30/02 AMEND: 3901, 3909, 3910  
 09/30/02 AMEND: 17400, 17402, 17402.5  
 09/19/02 AMEND: 3626, 3627, 3628  
 09/18/02 AMEND: 300(a) REPEAL: 502.1  
 09/12/02 AMEND: 120.3  
 09/12/02 ADOPT: 105.5 REPEAL: 195  
 09/09/02 AMEND: 550, 551, 552  
 09/09/02 ADOPT: 712  
 09/04/02 ADOPT: 104.1  
 08/28/02 ADOPT: 786.7, 786.8 AMEND: 786.0, 786.1, 786.2, 786.3, 786.4, 786.5, 786.6  
 08/26/02 ADOPT: 18090.0, 18090.1, 18090.2, 18090.3, 18091.1, 18092.0, 18093.0, 18093.1, 18094.0 AMEND: 18011  
 08/21/02 AMEND: 7.50 (b)(212)

**Title 15**

12/10/02 ADOPT: 3371.1  
 10/04/02 AMEND: 3025, 3315  
 09/30/02 AMEND: 3006  
 08/27/02 ADOPT: 3375.5 AMEND: 3000, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3377  
 08/19/02 ADOPT: 3426

**Title 16**

12/16/02 ADOPT: 1937.17 AMEND: 1996, 1996.2  
 12/16/02 ADOPT: 1435.15 AMEND: 1435, 1435.2, 1435.3, 1435.5, 1435.6  
 12/12/02 AMEND: 2310(a)(b)  
 12/09/02 ADOPT: 2414 AMEND: 2411, 2418  
 12/03/02 AMEND: 1690, 1691 REPEAL: 1680, 1681, 1682  
 10/23/02 ADOPT: 1777, 1777.1, 1777.2, 1777.3, 1777.4, 1777.5, 1778, 1778.1, 1778.2, 1778.3  
 10/08/02 AMEND: 308  
 10/02/02 ADOPT: 306.3  
 09/24/02 AMEND: 1999.5  
 09/23/02 AMEND: 306.2  
 09/13/02 AMEND: 1811  
 09/11/02 ADOPT: 1706.5, Article 5, Article 6, Article 7, Article 8, Article 10, Article 10.1. AMEND: 1703, 1704, 1705, 1706, 1706.1, 1707.1, 1707.3, 1708.2, 1708.3, 1708.4, 1709, 1710, 1715.6, 1716, 1716.1, 1716.2, 1717, 1717.1, 1717.2, 1717.4, 1718, 1718.1, 171  
 09/10/02 AMEND: 1305, 1306, 1328  
 09/10/02 AMEND: 331-12.2(e)  
 09/09/02 AMEND: 438  
 08/20/02 AMEND: 1382.3

**Title 17**

12/05/02 AMEND: 58420  
 12/02/02 AMEND: 6508  
 11/12/02 AMEND: 94006  
 10/29/02 AMEND: 54000, 54001  
 10/08/02 AMEND: 93105(a)(1)  
 09/24/02 AMEND: 6020, 6025, 6035, 6050, 6051, 6065, 6070, 6075  
 09/04/02 ADOPT: 94200, 94201, 94202, 94203, 94204, 94205, 94206, 94207, 94208, 94209, 94210, 94211, 94212, 94213, 94214  
 08/29/02 AMEND: 57332  
 08/22/02 ADOPT: 33001, 33002, 3303, 33004, 33005, 33006, 33007, 33008, 33010, 33011, 33012, 33013, 33014, 33015, 33025, 33050 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010  
 08/20/02 ADOPT: 93112  
 08/19/02 ADOPT: 94164, 94165 AMEND: 94010, 94011, 94153, 94155, 94163,

**Title 18**

12/10/02 ADOPT: 1535  
 12/10/02 AMEND: 17951-1, 17952, 180001-1 REPEAL: 17554  
 12/10/02 AMEND: 1703  
 12/10/02 AMEND: 1502  
 12/03/02 AMEND: 1525.2  
 12/02/02 REPEAL: 24348(b)  
 10/08/02 AMEND: 24344(c)  
 09/19/02 AMEND: 305.1  
 09/03/02 AMEND: 1540  
 09/03/02 ADOPT: 1534  
 09/03/02 AMEND: 1541  
 08/20/02 AMEND: 1528  
 08/19/02 AMEND: 1543

**Title 19**

11/21/02 AMEND: 557.9, 560, 567, 574.6, 575.3, 575.4(a), 578.10, 594.3, 594.5, 595.5, 596, 596.1, 596.2, 596.3  
 10/21/02 AMEND: 981.3(a)(b)(d)  
 10/10/02 ADOPT: 2735.3(rr), 2770.4.1 AMEND: 2735.3(rr) to (zz), 2770.5  
 09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2  
 09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2, 2578.3

**Title 20**

10/28/02 ADOPT: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608 REPEAL: 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608

**Title 22**

12/09/02 ADOPT: 111550  
 12/03/02 ADOPT: 119184 REPEAL: Manual of Policies and Procedures Section 12-225.3  
 12/02/02 ADOPT: 110411, 110625, 111110, 111120, 111210, 111220, 111230 REPEAL: MPP Sections 12-000, 12-003, and Appendix I  
 12/02/02 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30  
 11/25/02 ADOPT: 66273.6, 66273.80, 66273.81, 99273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66271.9, 66273.1, 66273.8, 66273.9  
 11/25/02 ADOPT: 119015, 119019, 119045, 119069, 119076, 119191, and Forms CSS 4476 (09/02), CSS 4477 (09/02), CSS 4478 (09/02), CSS 4479 (09/02), CSS 4480 (09/02), and CSS 4481 (09/02)  
 11/18/02 AMEND: 69103  
 11/18/02 ADOPT: 4407.1  
 11/05/02 AMEND: 1256-9, 1253. 12-1, 1030(a)-1  
 10/31/02 ADOPT: 64806  
 10/28/02 ADOPT: 110250, 110374, 117016, 117019, 117021, 117025, 117030, 117036, 117042, 117047, 117049, 117052, 117054, 117064, 117074, 117080, 117083, 11785, 117089, 117091, 117094, 117200, 117300, 117301, 117302, 117303, 117400 117401, 117402, 117403, 117404,  
 10/21/02 ADOPT: 110226, 110242, 110251, 110336, 110337, 110355, 110485, 110547, 110615, 116004, 116018, 116036, 116038, 116042, 116061, 116062, 116063, 116100, 116102, 116104, 116106, 116108, 116110, 116114, 116116, 116118, 116120, 116122, 116124, 116130, 116132, 116  
 10/09/02 ADOPT: 111900, 111910, 111920, 121100, 121120, 121140 REPEAL: (MPP) 12-435  
 10/07/02 AMEND: 5000, 5065, 5102  
 09/30/02 ADOPT: 110550 AMEND: 110413, 113100, 113200, 113300 REPEAL: 12-401.1, 12-104.432  
 09/23/02 AMEND: 66261.9  
 09/03/02 ADOPT: 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107

09/03/02 AMEND: 40633  
 08/27/02 AMEND: 12601, 12201  
 08/22/02 ADOPT: 110385, 110449, 110554, 118020, 118203  
 08/21/02 AMEND: Chapter 1; Section 7000  
 08/14/02 ADOPT: 111560

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12/03/02 AMEND: 101218.1, 102419, 102421  
 10/28/02 ADOPT: 89202, 89261, 89319, 89323, 89370, 89372, 89374, 89376, 89388, 89400, 89405 AMEND: 87000, 87001, 87005, 87006, 87007, 87009, 87010, 87010.1, 87010.2, 87017, 87018, 87019, 87019.1, 87019.2, 87020, 87021, 87024, 87026, 87027, 87028, 87029, 87031, 9  
 08/15/02 ADOPT: 110041, 110042, 110098, 110284, 110299, 110428, 110539, 110609, 112002, 112015, 112025, 112034, 112035 AMEND: 110430, 110431, 110473, 112100, 112110, 12130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302, REPEAL: 12

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12/17/02 ADOPT: 3913  
 12/09/02 AMEND: 3933  
 12/05/02 ADOPT: 510, 511, 512, 513, 514, 515, 516, 517  
 10/29/02 AMEND: 2200  
 09/25/02 AMEND: 645, 717(c), 767(b)  
 09/19/02 AMEND: 3937  
 08/27/02 ADOPT: 3410, 3410.1, 3410.2, 3410.3, 3410.4, 3410.5  
 08/23/02 ADOPT: 2729, 2729.1

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11/07/02 AMEND: 5575  
 11/07/02 AMEND: 1317, 1318, 1319  
 10/01/02 AMEND: 7202, 7234  
 09/30/02 AMEND: Section 6500, Appendix A & B

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12/17/02 ADOPT: 1300.67.60  
 12/16/02 ADOPT: 1300.89  
 11/21/02 AMEND: 1000, 1300.43.3, 1300.43.6, 1300.43.10, 1300.43.13, 1300.43.14, 1300.43.15, 1300.45, 1300.47, 1300.51, 1300.51.1, 1300.51.2, 1300.52.1, 1300.61.3, 1300.65.1, 1300.89, 1300.99  
 11/12/02 ADOPT: 1300.70.4, 1300.74.30 AMEND: 1300.68, 1300.68.01  
 08/19/02 ADOPT: 1300.73.21

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10/21/02 AMEND: 31-001, 31-002, 31-075, 31-401, 31-405, 31-410, 31-420, 31-440, 31-445

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10/02/02 ADOPT: 40-107.141, .142, .143, .144,  
.15, 151, .152; 42-302.114, .114(a)-(c),  
.21(h)(l), .3; 44-133.8; 82-833 AMEND:  
40-107.14, 16, .17, .18, .19; 42-301.2;  
44-133.51; 82-823

09/30/02 AMEND: 63-403.1, 63-405.134, 63-  
409.122, 63-502.31

08/30/02 ADOPT: 16-001, 16-003, 16-005, 16-  
010, 16-015, 16-105, 16-120, 16-130,  
16-201, 16-215, 16-301, 16-310, 16-315,  
16-320, 16-325, 16-401, 16-410, 16-501,  
16-505, 16-510, 16-515, 16-517, 16-520,  
16-601, 16-610, 16-701, 16-750, 16-801  
AMEND: 20-300, 44-302,

